IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

C.W.P.No.6645 of 2007
Date of Decision: 4.5.2007

Sh.Adesh Jain .....Petitioner through
Mr. B.B. Bagga,Advocate

Versus

Haryana State Industrial Development
Corporation and another ..... Respondents

CORAM : HON'BLE MR.JUSTICE VIJENDER JAIN,
CHIEF JUSTICE.
HON'BLE MR.JUSTICE RAJIVE BHALLA

1. Whether Reporters of Local Newspapers may be allowed to see the judgement ?
2. To be referred to the Reporters or not ?
3. Whether the judgement should be reported in the Digest ?

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VIJENDER JAIN, CHIEF JUSTICE

Prayer in this writ petition is to set aside orders dated 2.8.2006 and 13.2.2007, as illegal, unfair, arbitrary and unjust.

The petitioner was allotted an industrial plot No.1689, Industrial Area, Kundli on 1.6.2001 for setting up of an industrial unit for engineering, fabrication and paper gum etc. Physical possession of plot was offered to the petitioner on 16.10.2002. The petitioner was required to start construction of the factory during one year from the date of offer of possession i.e. upto 21.10.2003. However, for reasons, that appear to be untenable namely; ailments during the year 2003, the petitioner claims that

he could not take possession and it was only on 2.5.2006 i.e. after a period of more than three years, that he approached the respondents. It would be necessary to mention here that as per averments in para 8 of the petition, the ailment of the petitioner was acute viral hepatitis and a heart attack on 25.1.2003, for which the petitioner allegedly remained in hospital for a few days. The respondent Corporation vide letter dated 19.6.2006, granted the petitioner an opportunity, to represent his case before a Designated Committee. The petitioner failed to appear before the Committee, on the plea that he had proceeded to a pilgrimage to the shrine of Lord Amarnath. Upon return and upon receipt of information, he immediately rushed to the office of the respondents at Panchkula but the respondents resumed the plot on 6.8.2006. The appeal filed by the petitioner against resumption was dismissed, vide order dated 13.2.2007.

We have heard learned counsel for the petitioner, perused the impugned order as also the paper book.

The object of allotting industrial plots at concessional rates i.e. rates below market value is to encourage industrialisation and, thus, enhance the economy of a State. Allottees, who sleep over their rights and failed to abide by the terms and conditions of an allotment are open to the charge of speculation in property, which by any stretch of imagination cannot be the object of concessional allotments. Admittedly, possession of a plot was offered to the petitioner on 16.10.2002. The petitioner was allotted a maximum period, inclusive of extension, of two years, to start construction. This period expired on 21.10.2004 without the petitioner

taking possession, raising construction or setting up the project. The petitioner, admittedly approached the respondents in 2006 and prayed for delivery of possession. The respondent, Corporation declined the petitioner's request. His appeal was dismissed by the appellate authority. We are satisfied that the impugned orders are neither arbitrary nor whimsical. The impugned orders have been passed after due application of mind. The discretion, vested in the respondents, and exercised against the petitioner does not call for interference. The petitioner's inaction, for a period of four years in requesting for possession and his failure to approach the respondents within a reasonable period of time, disentitles him to any relief.

Dismissed.

(VIJENDER JAIN)
CHIEF JUSTICE

4.5.2007
GS

(RAJIVE BHALLA)
JUDGE